



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS

PRICE DANIEL  
ATTORNEY GENERAL

FAGAN DICKSON  
FIRST ASSISTANT

August 23, 1948

Hon. A. F. Mitchell, Chairman  
Board of Registration for  
Professional Engineers  
Austin, Texas

Opinion No. V-666

Re: The legality of paying  
salaries from an appro-  
priation to establish a  
library for registered  
professional engineers.

Dear Sir:

Your request for an opinion contained the fol-  
lowing:

"The appropriation for the State Board  
of Registration for Professional Engineers  
for the Biennium 1948-49 included the fol-  
lowing:

"The State Board of Registration for  
Professional Engineers, having elected to  
establish a library for registered profes-  
sional engineers of Texas as authorized by  
Chapter 571 of the Acts of the 47th Legis-  
lature, Regular Session, and having allocat-  
ed the \$60,000 authorized by the above men-  
tioned Act of the Legislature for this pur-  
pose, and having expended only approximately  
\$35,000 for this purpose during the biennium  
for which the authorization was made, is here-  
by authorized to make additional expenditures  
in such amounts as will bring the total of  
monies so expended during the biennium 1941-  
43 and during the biennium 1947-49 to a sum  
not to exceed \$60,000. No part of this fund  
shall be expended for buildings."

"This is carried as Appropriation No.  
Y-157. The Board has elected to carry out  
the provisions set out in the above quoted  
paragraph. The purchase of books entails a

large amount of specialized bookkeeping and other clerical work. The regular appropriations for the administration of the Engineering Registration Act are not sufficient to provide for this extra work.

"Specifically, we ask for authorization to secure additional assistance for the necessary bookkeeping and clerical work and to pay for such assistance from appropriation No. Y-157 for the Engineers' Library."

The following provision is also included in the appropriation for the Board of Registration for Professional Engineers:

"13. Contingent Expense, Surety Bonds, Memberships, Special or Emergency Assistance \$ 3,000.00."  
Senate Bill 391, General and Special Laws of Texas, 50th Legislature, page 901.

Whether any part of the appropriation made for the library can be used for the payment of expenses for the purpose mentioned in your request depends upon the intention of the Legislature as manifested in the appropriations made for the Board. We are of the opinion that the Legislature did not intend that any part of the library appropriations be used for the payment of such expenses and that such payments can not be made. Our conclusion is based, in part, upon the fact that an appropriation has been made expressly authorizing payment for the type of assistance mentioned in your request. Item 13 of the appropriation for the Board provides, among other things, for "Special Assistance" and we believe that the money appropriated therein can be used for the purpose of paying for extra clerical and bookkeeping assistance made necessary by the purchase of books for the engineers' library.

Pertinent to the question being considered is Subsection "f" of Section 14 of the General Provisions attached to the Appropriation Bill for State Departments and Agencies. Said subsection provides that:

"None of the funds hereinabove appropriated for 'Contingent expenses' or 'Maintenance and Miscellaneous' shall be used for the payment of any salaries unless specifi-

cally authorized to be paid in the itemization under the Contingent, Maintenance and Miscellaneous items hereinabove set out and designated therein as 'salaries', 'extra help' or 'seasonal labor'." Senate Bill 391, General and Special Laws of Texas, 50th Legislature, page 938.

The provisions of the above quoted Subsection do not prohibit the use of the funds appropriated in item 13 of the appropriation for the Board for a purpose such as the one here under consideration. Item 13 goes beyond an appropriation for contingent or maintenance and miscellaneous expenses. \$3000.00 is appropriated therein for "Contingent Expense, Surety Bonds, Memberships, Special or Emergency Assistance." (Emphasis added). We believe that work of the type specified by you would be in the nature of Special Assistance. It is our opinion, therefore, that the Board may make provision for such bookkeeping and clerical assistance as is necessary in the purchasing of books for the engineers' library and although it cannot pay for same out of the appropriation for the library, it may make expenditures of the appropriation in Item 13 for any amounts necessary to pay for such assistance.

#### SUMMARY

The Board of Registration for Professional Engineers may make provision for such bookkeeping and clerical assistance as is necessary in the purchasing of books for an engineers' library authorized by the Legislature. The Board may not use any part of the library appropriation to pay for this extra help but may make expenditures of an item in the appropriation for the Board which provides, among other things, for "Special Assistance" for any amounts necessary to pay for such assistance.

Yours very truly,

APPROVED:

ATTORNEY GENERAL OF TEXAS

*Fagan Dickson*

FIRST ASSISTANT  
ATTORNEY GENERAL  
CBK:mw

By

*Clyde B. Kennelly*  
Clyde B. Kennelly  
Assistant